

Docket Item #19
SPECIAL USE PERMIT #2005-0084

Planning Commission Meeting
September 8, 2005

ISSUE: Consideration of a request for a special use permit to operate a restaurant.

APPLICANT: My Bakery & Café, Inc.
by Duncan Blair, attorney

LOCATION: 3839 Mt. Vernon Avenue

ZONE: NR/Neighborhood Retail

PLANNING COMMISSION ACTION, SEPTEMBER 8, 2005: On a motion by Mr. Komoroske, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request, subject to compliance with all codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission was supportive of the new restaurant in Arlandria, and agreed with the staff analysis finding that it struck a balance between the concerns of the neighborhood and the interests of the applicant. The Planning Commission did not agree with the applicant's request for a 2:00 a.m. closing hour Thursday through Sunday or for a cover charge for its live entertainment, stating its concerns about the close proximity to residential uses.

Speakers:

Duncan Blair, applicant's attorney, spoke in support of the application, and requested that the Planning Commission recommend a 2:00 a.m. closing Thursday through Sunday instead of a 1:00 a.m. closing as recommended by staff, and that the prohibition on the cover charge for live entertainment be deleted. Mr. Blair stated that the applicant would agree to not accept deliveries before 7:00 a.m.

David Escobar, applicant, stated that the proposed restaurant will not be a late night bar or night club. He stated that this will be his fourth location in the region.

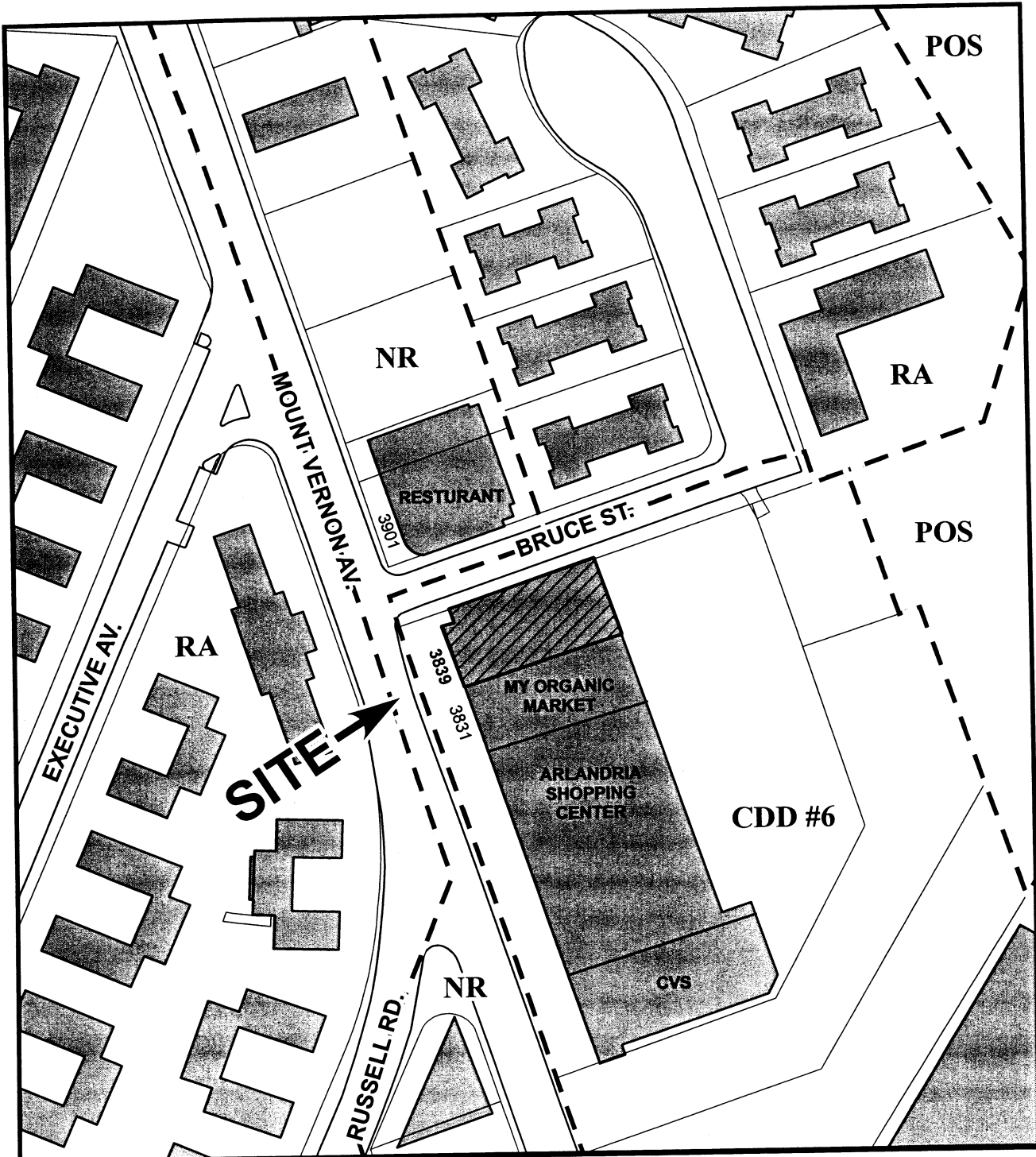
Jon Liss, Executive Director of the Tenants' and Workers' Support Committee, spoke in support of the restaurant and bakery, but expressed concerns with the proposed late night hours, live entertainment, and alcohol service.

Santos Vega, Board Member from the Arlandria Chirilagua Housing Cooperative (testimony translated from Spanish by Jon Liss), was opposed to the 2:00 a.m. closing hour, stating that the community is striving for a better environment.

Dennis Cordell, Sr., teacher at George Washington Elementary School, spoke in support of the application, speaking highly of the applicant's character.

Dennis Cordell, Jr., Lynnhaven resident, spoke in support of the application, including the late hours, stating that the restaurant would be good for the community.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.



SUP #2005-0084

09/08/05



I. DISCUSSION

REQUEST

The applicant, My Bakery & Café, Inc., requests special use permit approval for the operation of a restaurant located at 3839 Mount Vernon Avenue.

SITE DESCRIPTION

The subject shopping center site has approximately 537 feet of frontage on Mount Vernon Avenue and 377 feet of frontage on Bruce Street. The site consists of four parcels with a total lot area of 202,776 square feet (4.6 acres). The site is developed with the Mount Vernon Village Center, an existing small-scale shopping center. The restaurant will occupy a vacant tenant space of 6,203 square feet located at the northernmost tenant space of the center, adjacent to My Organic Market (MOM's) grocery store (see attached plan). The space has been vacant for a number of years. Offices and food preparation space will occupy the basement of the restaurant. Access to the property is from both Mount Vernon Avenue and Bruce Street.



To the north of the site are retail establishments, including Lillian's restaurant, and the Chirilagua Housing Cooperative, to the south are retail establishments including the temporary location of the Duncan Library (in the former Blockbuster Video site), to the east is Four Mile Run Park, and to the west across Mt. Vernon Avenue are the Presidential Greens Apartments.

PROJECT DESCRIPTION

The applicant requests special use permit approval to operate "My Bakery," a full-service restaurant and bakery, offering carry-out and delivery service. The restaurant will offer breakfast, lunch and dinner, to include pastries, breads, cakes, empanadas, sandwiches, entrees and desserts. The applicant anticipates 300 patrons served each day. The proposed location will be the fourth in the region, with the others located in Bailey's Crossroads, Manassas, and Washington (north Georgetown). The applicant proposes this location to be the central offices of the company. Specific aspects of the restaurant as described by the applicant are as follows:

Hours:	Monday through Wednesday	7:00 am to 12:00 midnight
	Thursday through Sunday	7:00 am to 2:00 am

of Seats: 215 total seats—including 163 indoors, 40 outdoors at the east end of the building (back), and 12 outdoors at the west end of the building (front).

- Noise: The applicant does not anticipate that noise levels will exceed what is permitted under the Alexandria City Code.
- Employees: The restaurant will employ on a full or part time basis approximately 50 people working in shifts. It is anticipated that the maximum number of employees on site at any given time will be 30 employees.
- Alcohol: The applicant proposes on-premise beer, wine and mixed drinks. The applicant anticipates the sale of alcoholic beverages to be 20% of its receipts.
- Live Ent'mt.: The applicant proposes live entertainment on certain weekday nights and weekends. The entertainment is expected to be subordinate to the main bakery/restaurant operations.
- Computer Access: The applicant proposes to have computer access, including printing, faxing, and video conferencing capabilities, with Internet connection.
- Delivery: The applicant will provide delivery service, with drivers using their own personal vehicles.
- Loading: The applicant expects to load and unload from 5:00 am to 8:00 am approximately one to four times each day.
- Trash/Litter: The trash and garbage generated by the restaurant will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general restaurant operations. Trash and garbage will be deposited and stored in a commercial dumpster on the dumpster pad at the rear of the building. The applicant anticipates approximately a half dumpster of trash each day, and that it will be collected at least three times each week. Each tenant of the shopping center is responsible for its own receptacle and pickup. Dumpsters are located behind the tenant spaces in required parking spaces near the building. Litter is not an anticipated problem; however, the restaurant's staff will self-police and maintain the exterior grounds, parking lots and adjacent rights-of-way.

PARKING

Under Section 8-200 (A) (8) of the Zoning Ordinance a restaurant with 215 seats is required to have 54 parking spaces. In this case, the subject property has a total of 326 parking spaces for the shopping center and Duncan Library, which will accommodate the restaurant's parking requirement.

ZONING/MASTER PLAN DESIGNATION

The subject property is located in the CDD-6/Mt. Vernon Village Center/Birchmere zone, with an underlying zoning of NR/Neighborhood Retail. Section 4-1403 (C) of the Zoning Ordinance allows smaller restaurants in the NR zone by administrative approval. The proposed restaurant exceeds the limitations and therefore requires approval by Planning Commission and City Council.

The proposed use is consistent with the Potomac West Small Area Plan chapter of the Master Plan which designates the property for commercial use.

MEETING WITH NEIGHBORS

On August 25, 2005, staff met with members of the Arlandria-Chirilagua Housing Cooperative, the Tenants and Workers Support Committee, and the applicant. While generally supportive, the community members expressed concerns about the potential for negative impacts from late night activity associated with the proposed closing hour, 2:00 am Thursday through Sunday.

II. STAFF ANALYSIS

Staff does not object to the proposed restaurant located at 3839 Mount Vernon Avenue. From an economic development perspective, the subject space has been vacant for a number of years, and the new business, which includes outdoor dining, will add vibrancy to the neighborhood. This type of active, family-serving restaurant is the kind envisioned in the Arlandria Plan to serve both the immediate neighborhood and attract patrons from the broader community. The restaurant proposes to provide a variety of services to its clientele, including a bakery specializing in made-to-order cakes for all occasions; a full service restaurant providing breakfast, lunch and dinner; technology, including computer access, printing and faxing, and Internet connection; and live entertainment on certain nights and weekends. There is an abundance of parking behind the center that will adequately serve the restaurant. The restaurant use will likely draw pedestrian traffic from the nearby neighborhoods alleviating some demand on parking. The restaurant and bakery will complement and enhance this neighborhood commercial district by adding to the diverse retail uses already found along Mount Vernon Avenue.

While supportive of the new restaurant, staff is sensitive to the concerns of area residents regarding the potential for negative impacts caused from late night activities around the proposed 2:00 am closing hour, Thursday through Sunday. There is a history of problems from Lillian's restaurant, located across Bruce Street from the subject property, which the neighbors do not want duplicated at the proposed restaurant. Lillian's was approved by City Council for a 1:00 am closing hour on Fridays and Saturdays, with a condition of a six-month review (SUP#2002-0001). At the six-month review, City Council reduced the closing hour to 12:00 midnight, which is the hour it is currently permitted to close (SUP#2002-0104).

The Birchmere, located immediately behind the shopping center, is permitted to operate until 2:00 am daily. The Waffle Shop, a grandfathered restaurant across Mt. Vernon Avenue, is open 24 hours. Staff is not aware of significant nuisance problems caused from these establishments.

The applicant has assured staff and community members that he does not intend to create an establishment that invites negative behavior, and that he is requesting the later hours for flexibility that would allow the greatest opportunity for success of the new restaurant. In response to neighborhood concerns, staff recommends a number of conditions to control potential impacts from the restaurant. Regarding hours of operation, staff recommends a closing hour of 1:00 am Thursday through Sunday, and 12:00 midnight on all other nights. These hours are generally consistent with recently approved hours of operation for restaurants in this and other areas of the city. To ensure that problems do not arise, staff recommends a six-month review, in addition to a one-year review, at which time the closing hours can be reassessed if necessary. For the outdoor dining, staff recommends a closing hour of 11:00 pm, daily. Regarding the live entertainment, it is proposed to be subordinate to the primary function of the establishment as a restaurant, and staff has included a condition to this effect. The condition also limits live entertainment to the indoors, and only to the extent that no amplified sound is audible at the property line.

Also to address neighborhood concerns, staff recommends that the applicant schedule community meetings once every two months for the first six months of operation, and regularly as needed and/or requested by the neighborhood or applicant thereafter.

With these conditions, staff recommends approval of the special use permit.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The hours of operation of the restaurant shall be limited to 7:00 a.m. to 12:00 a.m. Monday through Wednesday, and 7:00 a.m. to 1:00 a.m. Thursday through Sunday. The hours of operation for the outdoor dining area shall be limited to between 7:00 a.m. to 11:00 p.m., daily. The outdoor dining areas shall be cleared of all diners by 10:30 p.m. and the area shall be cleaned and washed by 11:00 p.m. The rear (east) entrance of the building shall not be used for public access after 10:30 p.m. (P&Z)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z)

4. No more than 215 seats shall be provided at the restaurant. Of the 215 seats, no more than 52 seats shall be provided outdoors according to the attached plan. Any changes to the outdoor seating plan shall be to the satisfaction of the Director of Planning and Zoning. The applicant shall ensure the outdoor seating does not restrict pedestrian access to other merchants in the shopping center. No seating shall encroach on a public right-of-way. (P&Z)
5. Window signs or posters shall not block the visibility of the interior of the store from the street. Shelving, boxes, coat racks, storage bins, closets, and similar items shall be located where they do not block the windows. All window coverings shall remain open as much as possible. (P&Z)
6. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z)
7. The applicant shall require that employees who drive to work use off-street parking. (P&Z)
8. The applicant shall encourage its employees to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (P&Z)
9. Live entertainment shall be permitted indoors only to the extent that no amplified sound is audible at the property line. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (T&ES)
10. On-site alcohol service is permitted; no off-premise alcohol sales are permitted. (P&Z)
11. Vehicles for delivering orders to customers shall park and load in the parking lot behind the building at the Mount Vernon Village Shopping Center. The delivery vehicles shall be no larger than passenger vehicles. (P&Z)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)

13. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
14. Loudspeakers shall be prohibited from the exterior of the building. (T&ES)
15. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
16. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
17. The applicant shall schedule meetings with surrounding residential neighbors once every two months for the first six months of operation, and then regularly as needed and/or requested by the neighborhood or applicant thereafter, to identify and address any neighborhood impact issues. (P&Z)
18. The Director of Planning and Zoning shall review the special use permit after it has been operational for six months and again at one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Richard Josephson, Deputy Director;
Valerie Peterson, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-4 No amplified sounds shall be audible at the property line.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 There are overhead power lines and a power pole located in the proposed area of the outdoor deck. This issue shall be resolved at building permit plan review.
- C-1 The current use is classified as M, Mercantile; the proposed use is A, Assembly. Change of use, in whole or in part, will require a certificate of use and occupancy (USBC 119.4) and compliance with USBC 119.2. including but not limited to: limitations of exit travel distance, emergency and exit lighting, a manual fire alarm system, and accessibility for persons with disabilities.
- C-2 Prior to the application for new Certificate of Occupancy, the applicant shall submit a building permit for a change of use. Drawings prepared by a licensed architect or professional engineer shall accompany the permit application. These plans shall show provide existing conditions, construction type data, and a plot plan. In addition, these plans shall show proposed conditions and provide data by the design professional which details how the proposed use will comply with the current edition

of the Virginia Uniform Statewide Building Code for the new use in the area of structural strength, means of egress, passive and active fire protection, heating and ventilating systems, handicapped accessibility and plumbing facilities.

- C-3 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-5 Alterations to the existing structure and/or installation and/or altering of equipment therein requires a building permit. Five sets of plans, bearing the signature and seal of a design professional registered in the Commonwealth of Virginia, must accompany the written application. The plans must include all dimensions, construction alterations details, kitchen equipment, electrical, plumbing, and mechanical layouts and schematics.
- C-6 This structure contains mixed use groups [A, Assembly; M, Mercantile; B, Business; and is subject to the mixed use and occupancy requirements of USBC 302.3
- C-7 A fire prevention code permit is required for the proposed operation. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.
- C-8 Required exits, parking, and accessibility for persons with disabilities must be provided to the building.
- C-9 The following code requirements apply where food preparation results in the development of grease laden vapors:
 - (a) All cooking surfaces, kitchen exhaust systems, grease removal devices and hoods are required to be protected with an approved automatic fire suppression system.
 - (b) A grease interceptor is required where there is drainage from fixtures and equipment with grease-laden waste located in food preparation areas of restaurants. Food waste grinders can not discharge to the building drainage system through a grease interceptor.
- C-10 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
 - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.

- (b) How food stuffs will be stored on site.
 - (c) Rodent baiting plan.
- C-11 Any configuration of outdoor seating shall comply with the following conditions:
- Fire Dept. Connections must remain accessible - not be blocked by tables or fixtures.
 - Daily Sweeping/washing of outdoor dining area is recommended to control rodent activity.
 - Fire Hydrants shall not be obstructed by tables, chairs or other fixtures.
 - The configuration of any outdoor seating shall not obstruct or diminish the required egress from the structure or any adjacent structures.
- C-12 Any increase in occupancy must be supported by the required number of restroom facilities within the structure in accordance with the USBC / International Plumbing Code.
- C-13 Any increase in occupancy will only be considered for the exterior of the structure and will not modify the approved interior approved occupant load. At no time shall any approved outdoor seating be incorporated inside due to foul weather or other situations.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-3 Permits must be obtained prior to operation.
- C-4 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions both indoors and at the outside dining areas.
- C-5 Certified Food Managers must be on duty during all hours of operation.
- C-6 Food must be protected to the point of service.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 Recommend "ABC On" license only. If "ABC Off" license is approved, we recommend the following conditions:
 - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.

Special Use Permit # _____

APPLICATION for SPECIAL USE PERMIT # 2005-0084
(must use black ink or type)

PROPERTY LOCATION: 3839 Mount Vernon Avenue, Mount Vernon Village

TAX MAP REFERENCE: 07.03 09 01, ~~02, 09, 10 and 11~~ ZONE: NR/Neighborhood Retail
Zone (Arlandria)

APPLICANT Name: My Bakery & Café, Inc.
Address: 3508 Courtland Drive, Falls Church, Virginia 22041

PROPERTY OWNER Name: Arlandria Center, LLC
Address: 4733 Bethesda Avenue, #650, c/o Finmarc Management, Inc.
Bethesda, Maryland 20814

PROPOSED USE: Special Use Permit to operate a restaurant with indoor and outdoor seating
and live entertainment pursuant to §4-1403 of the Alexandria Zoning
Ordinance, 1992, as amended.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Duncan W. Blair, Esquire
Print Name of Applicant or Agent



Signature

524 King Street, Alexandria, Virginia 22314
Mailing/Street Address

(703) 836-1000 (703) 549-3335
Telephone # Fax #

dclair@landclark.com

Alexandria, Virginia 22314
City and State Zip Code

June 30, 2005
Date

===== DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) ☐ the Owner ☐ Contract Purchaser
☒ Lessee or ☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

My Bakery & Café, Inc. is a Virginia corporation. David Escobar, 3508 Courtland Drive, Falls Church, Virginia 22041, is the only person or entity owning more than a ten (10%) interest in the corporation.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☒ Yes. Provide proof of current City business license

☐ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

See attached.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

My Bakery & Café, Inc. proposed a unique, first class neighborhood-oriented full service restaurant and bakery at 3839 Mount Vernon Avenue. My Bakery & Café, Inc.

intends to bring its unparalleled product and operation of its other locations to its new flagship location on Mount Vernon Avenue offering breakfast, lunch and dinner, to include pastries, breads, cakes, empanadas, sandwiches, entrees, desserts and live entertainment on certain nights and weekends. My Bakery & Café, Inc. aims to be a pedestrian-oriented "third place" for residents where they can enjoy great cuisine, ambiance and entertainment.

The operation expects 300 patrons with 30 employees on a daily basis, opened Monday through Wednesday 7:00 A.M. to 12:00 A.M. and Thursday through Sunday 7:00 A.M. to 2:00 A.M. The shopping center has ample parking on site for patrons and employees. Noise levels will be consistent with restaurant use and will comply with. Loudspeakers shall be prohibited from the exterior of the building and no amplified sound should be audible at the property line.

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*

- ☒ [X] a new use requiring a special use permit,
- ☐ [] a development special use permit,
- ☐ [] an expansion or change to an existing use without a special use permit,
- ☐ [] expansion or change to an existing use with a special use permit,
- ☐ [] other. Please describe:

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

It is anticipated that the restaurant will serve approximately 300 customers per day.

- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

The restaurant will employ on a full or part time basis approximately fifty (50) people working in shifts. It is anticipated that the maximum number of employees on site at any given time will be thirty (30) employees.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

Monday – Wednesday

7:00 A.M. – 12:00 A.M.

Thursday – Sunday

7:00 A.M. – 2:00 A.M.

7. Please describe any potential noise emanating from the proposed use:

It is not anticipated that noise levels will exceed permitted levels under the Alexandria City Code.

8. Describe any potential odors emanating from the proposed use and plans to control them:

It is not anticipated that offensive odors will emanate from the use of the property as a restaurant. All cooking equipment will be equipped with an exhaust system filtering and venting to the exterior of the building in accordance with City regulations.

9. Please provide information regarding trash and litter generated by the use:

- A. What type of trash and garbage will be generated by the use?

The type of volume of trash and garbage generated by the restaurant will be mainly refuse from products received (i.e. cardboard delivery boxes) and from general restaurant operations (product remnants). Trash and garbage will be deposited and stored in the commercial dumpster on the dumpster pad at the rear of the building.

- B. How much trash and garbage will be generated by the use?

Approximately ½ dumpster per day.

- C. How often will trash be collected?

It is anticipated that trash and garbage will be collected by a commercial collector at least three (3) days a week.

- D. How will you prevent littering on the property, streets and nearby properties?

Litter is not an anticipated problem; however, the restaurant's staff will self-police and maintain the exterior grounds, parking lots and adjacent rights-of-way.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Small quantities of cleaning solvents generally recognized to be appropriate for use by restaurants in the operation of the business will be stored, used as solvents and disposed of in accordance with applicable regulations.

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No

If yes, provide the name, monthly quantity, and specific disposal method below:

Small quantities of organic compounds generally recognized to be appropriate for use by restaurants in the operation of the business will be stored, used and disposed of in accordance with applicable regulations.

12. What methods are proposed to ensure the safety of residents, employees and patrons?

My Bakery & Café, Inc. currently uses the following methods in its other locations and proposed to use the same and other recommended methods that may be required by any applicable governing offices. The applicant proposed the use of digital on site and remote surveillance, the use of a third party monitoring burglar, employee and patrol safety alarm service with panic buttons at registers, the use of a third party monitoring fire alarm company that directly monitors fire alarm sensors, pull stations, smoke sensors, heat sensors, HVAC sensors and kitchen hood ventilation sensors and contacts fire department directly. The use of a fire ansul system on all required hoods. An egress lay-out plan for the site. The applicant will contact the Community Relations Unit of the Alexandria Police Department at 703 838-4520 regarding a security survey for the business, and a robbery awareness program for all employees.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

The applicant anticipates the sale of alcoholic sales to be 20% of its receipts. The ABC license will include on premises sale of alcoholic beverages only.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to Section 8-200 (A) of the zoning ordinance?

B. How many parking spaces of each type are provided for the proposed use:

50 Standard spaces

 Compact spaces

3 Handicapped accessible spaces.

C. Where is required parking located? ☒ on-site ☐ off-site (check one)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

Not Vermin
NY 2/4 Baiting

Special Use Permit # 2005-0084

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?
- B. How many loading spaces are available for the use?
- C. Where are off-street loading facilities located? **Behind the building.**
- D. During what hours of the day do you expect loading/unloading operations to occur?

The applicant expects to load and unload 5:00 A.M. – 8:00 A.M.

- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

The applicant expects to load and unload one to four times per day.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access to the property is adequate.

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? _____ square feet.

18. What will the total area occupied by the proposed use be?

12,406 sq. ft. (existing) + _____ sq. ft. = _____ sq. ft. (total)

Special Use Permit # 2005-0084

19. The proposed use is located in: *(check one)*

☐ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☒ a shopping center. Please provide name of the center: **Mt. Vernon Village Center**

☐ an office building. Please provide name of the building: _____

☐ other, please describe:

RESTAURANT SUPPLEMENTAL APPLICATION

All applicants requesting special use permit approval for restaurants shall complete the following section. Applicants requesting approval of a special use permit for a restaurant in Old Town shall complete the SUPPLEMENTAL INFORMATION FOR RESTAURANTS IN OLD TOWN section and submit the required parking management plan and litter reduction plan.

Please provide the following information:

1. How many seats are proposed?

At tables: 190 At a bar: 10 Total number proposed: 200

2. Will the restaurant offer any of the following?

X alcoholic beverages X beer and wine (on-premises)

 beer and wine (off-premises)

3. Please describe the type of food that will be served:

Breakfast, lunch and dinner to include pastries, breads, cakes, empanadas, sandwiches, entrees and desserts.

4. The restaurant will offer the following service (check items that apply):

X table service X bar X carry-out X delivery

5. If delivery service is proposed, how many vehicles do you anticipate?

Will delivery drivers use their own vehicles? X Yes. No.

6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)? X Yes. No.

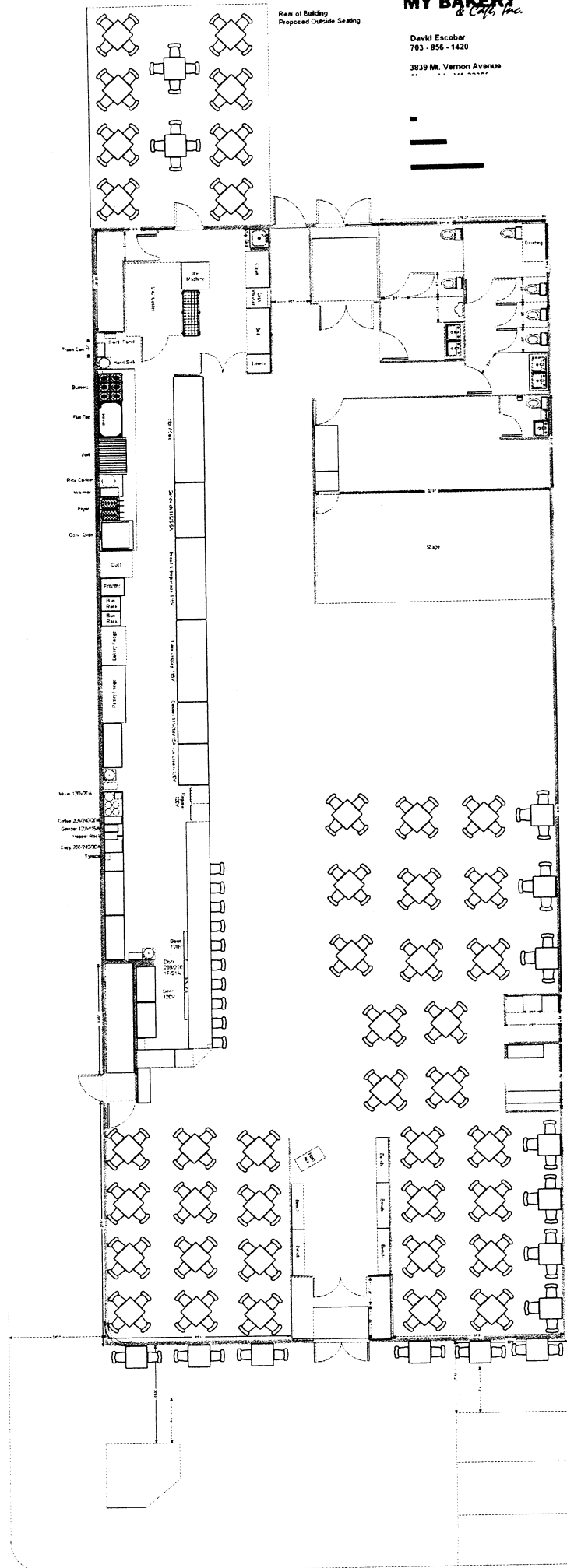
If yes, please describe: **The restaurant will on certain nights and weekends have musical entertainment.**

SUP2005-0084

MY BAKERY
a Cafe, Inc.

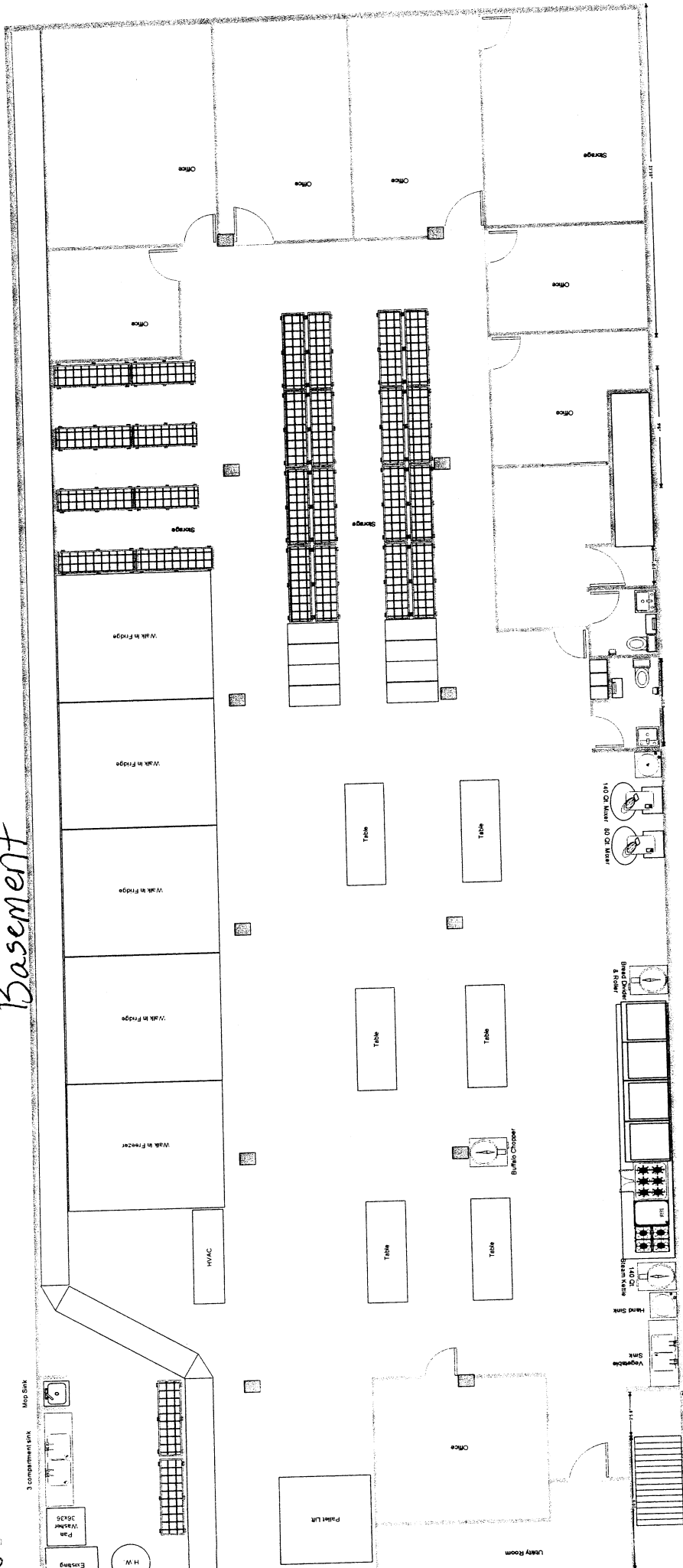
David Escobar
703 - 856 - 1420
3839 Mt. Vernon Avenue
N. Miami Beach, FL 33149

Ree of Building
Proposed Outside Seating



Supacoast

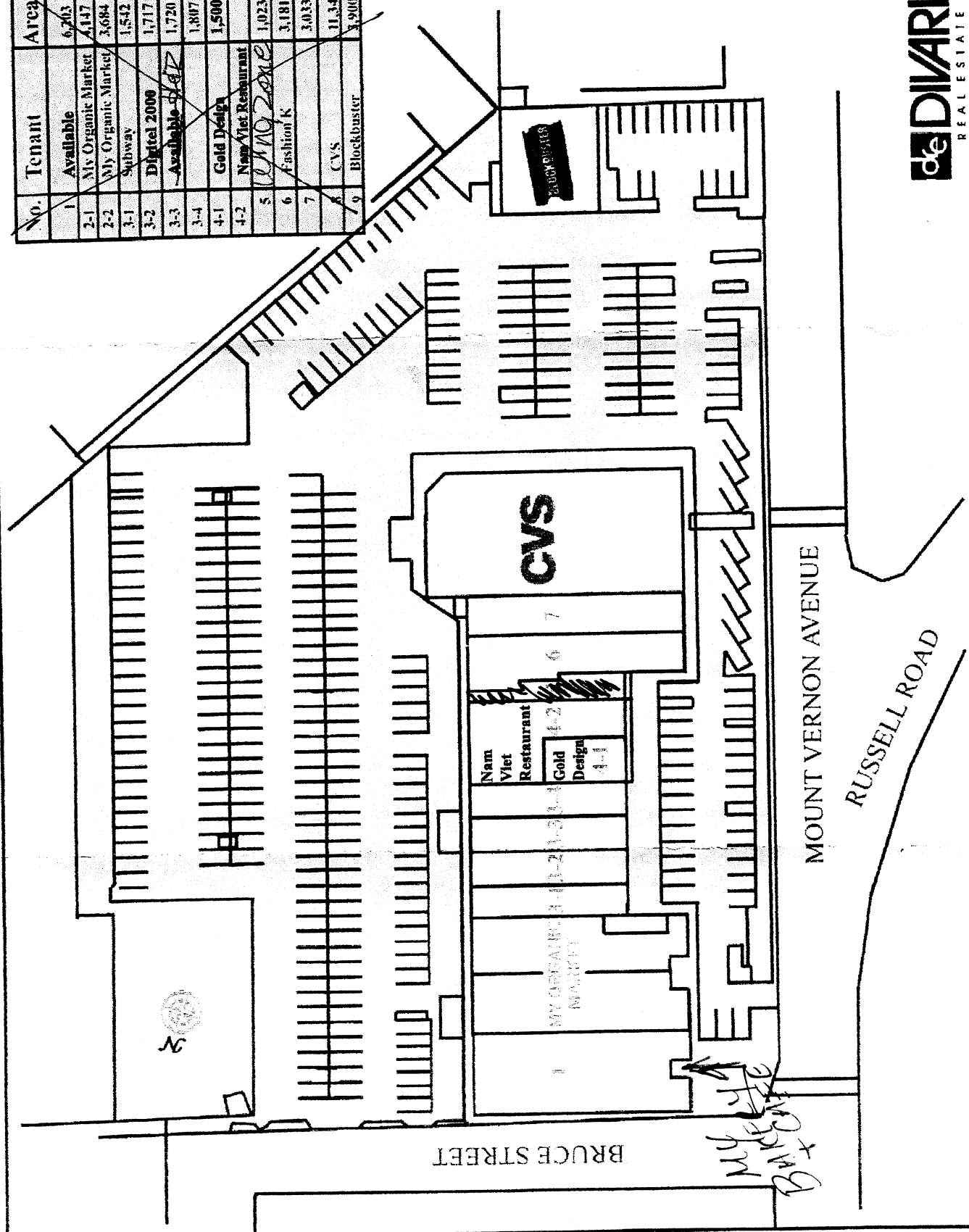
Basement



MT. VERNON VILLAGE CENTER

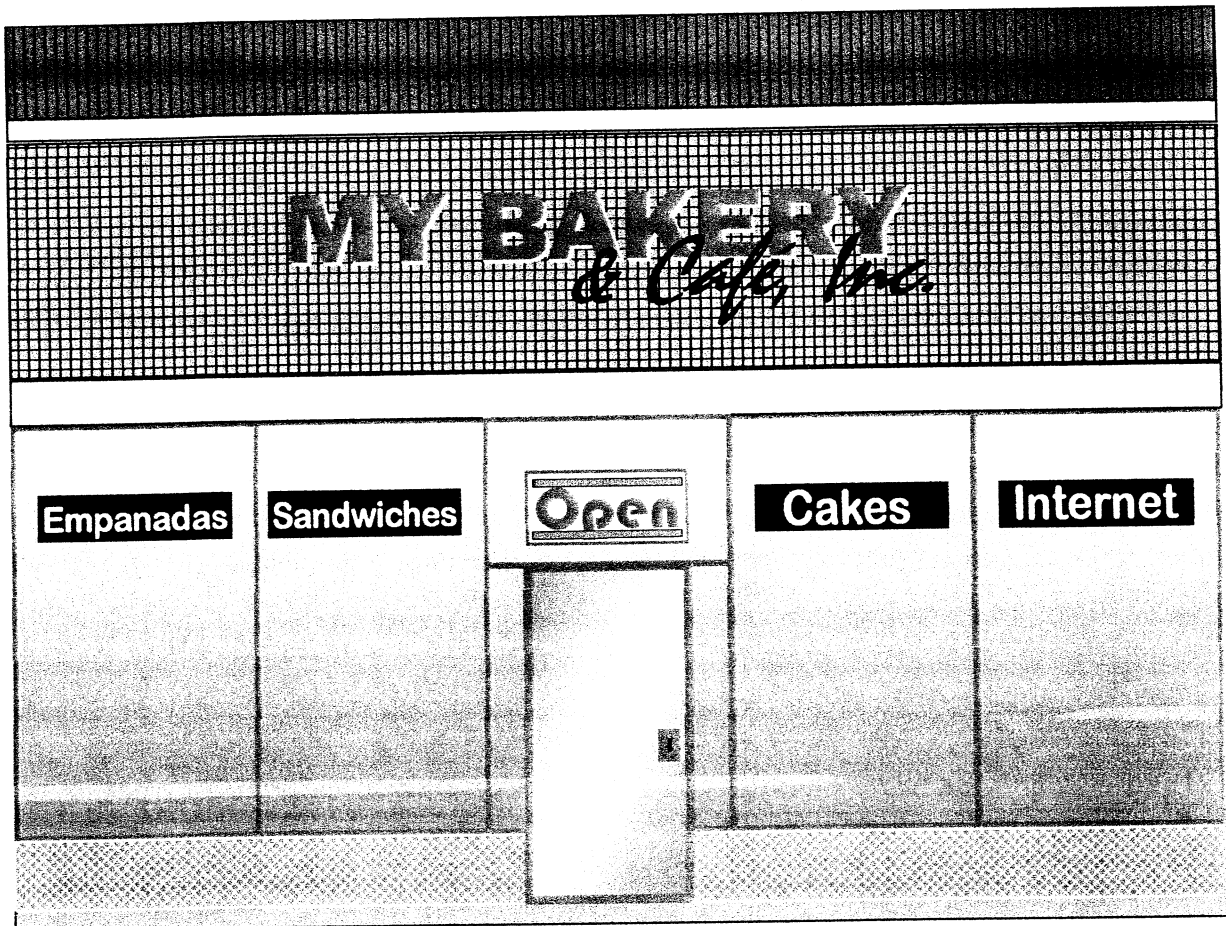
SUP2005-0084

No.	Tenant	Area
1	Available	6,703
2-1	My Organic Market	1,147
2-2	My Organic Market	3,684
3-1	Subway	1,542
3-2	Digital 2000	1,717
3-3	Available	1,720
3-4	Available	1,807
4-1	Gold Design	1,500
4-2	Nam Viet Restaurant	
5	Wing Zone	1,023
6	Fashion K	3,181
7		3,033
8	CVS	11,342
9	Blockbuster	3,900



de DIIVARIS
REAL ESTATE

SUP2005-0084



MY BAKERY & Café, Inc.

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SUP Applications.....	14

MY BAKERY & Cafe, Inc.



(Store pictured; 9229 Sudley Rd. Manassas, VA 20110)

Highlights

- Recognized and respected brand with consumers
- Proven Consumer base
- Proven business model
- Proven build out experience
- Successful locations in operation
 - Bailey's Cross Roads in Falls Church
 - Manassas
 - Upper Georgetown in Washington DC
- Unique upscale atmosphere
- Offering specialized made to order cakes
- Wide variety of Beverages, Muffins, Pastries, Empanadas, Breads, Sandwiches, Desserts, Cakes for all Occasions, Ice Cream, T1 Internet Access, Wireless Internet Access, MS Office Suite, File Downloads, CD Burning, DVD Viewing, Web Cam, Video Conferencing, Printing, Faxing, Live Entertainment.
- State of the art processes including integrated POS with remote Surveillance

MY BAKERY & Café, Inc.

CONCEPT

My Bakery & Café, Inc. is a fusion of concepts that caters to a wide variety of consumers.

Offering:

- | | |
|---|----------------------------|
| *Beverages | * T1 Internet Access |
| *Beer, Wine & Mixed Cocktails | * Wireless Internet Access |
| *Muffins | * MS Office Suite |
| *Pastries | * File Downloads |
| *Empanadas | * CD Burning |
| *Breads | * DVD Viewing |
| *Sandwiches/Entrees | * Web Cam |
| *Desserts | * Video Conferencing |
| *Ice Cream | * Printing and Faxing |
| *MTO made-to-order top quality cakes for all occasion | |

Key Business Concepts

- Offering top quality made-to-order cakes for all occasions fulfilling a identified and marketable consumer need
- The merging of entrainment, technology solutions, internet access, food and atmosphere to foster an extremely desirable experience
- A known and respected local brand synonymous with quality and customer care
- Proven, highly developed processes that encompass training, Point of Sale, inventory, requisitioning and surveillance that make in-store operations autonomous and automatic
- Well defined and growing consumer base
- Highly develop research studies and tools to identify consumer's needs and changes as they occur
- Proven, ever developing marketing strategy to capitalize on growth and opportunities
- Proven leadership with a combined 36 years of Managerial expertise in the food and service industry

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MY BAKERY & Cafe, Inc.



Atmosphere

- Lively, up beat, fun ambiance that fosters entertainment and a quality experience
- Digital Music Videos displayed on Internet Stations providing visual entertainment for consumers
- State of the art Sound systems integrated with Digital Music Videos

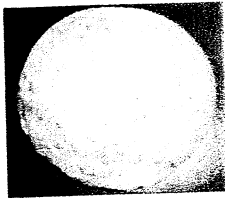
MY BAKERY & Café, Inc.



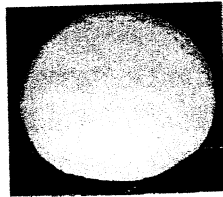
Décor

- Contemporary and bright ambiance provides an exceptional experience
- A mixture of technology soft ambiance and pleasant tones to further an overall pleasant stay
- Visual entertainment through the store via music videos through state of the art internet terminals with full capability
- Progressive drop rail lighting
- Contemporary coarse ceramic tiles
- Productive bright engaging area
- Relaxed comfortable couched sitting area

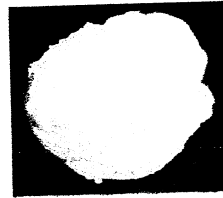
MY BAKERY & Cafe, Inc.



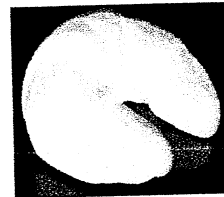
Tortillas



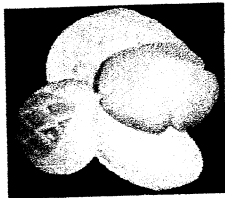
Chamitas



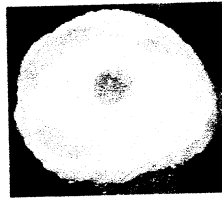
Cuñapes



Cuernitos



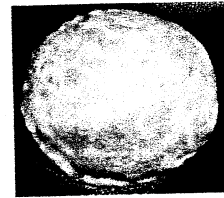
Pan Dulce



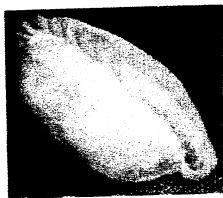
Pastel de Piña



Pastelitos



Pukacapas



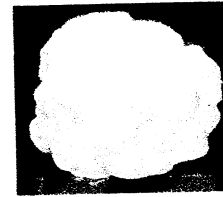
Tucumanas



Salteñas



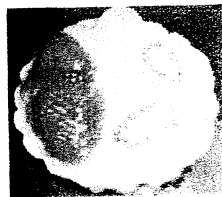
Conitos



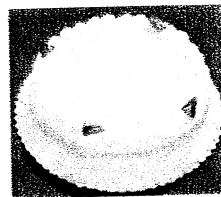
Bombitas



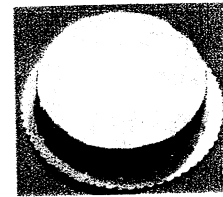
Napoleon de Fresa



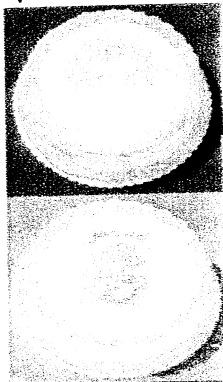
Tartaletas



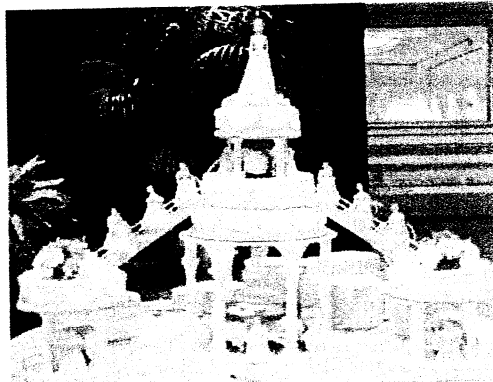
Fresas y Piña



Tres Leches



Diseños Infantiles



Pasteles Para Quinceañeras



y Matrimonios

Bailey's Crossroads
3508 Courtland Dr.
(Esquina Columbia Pike)
Falls Church, VA 22041

703-933-7333

Manassas
9229 Sudley Rd.
(Esquina Centreville Rd. - Rt. 28)
Manassas, VA 20110

www.mybakerycafe.com

MY BAKERY & Café, Inc.

3508 Courtland Dr. Falls Church, VA 22041

My Bakery & Café, Inc. has been in business since October of 1999.
Our CEO is David Escobar. Direct number: 703-933-7333 EXT. 31

david.escobar@mybakerycafe.com

Our corporate office is located at 3508 Courtland Dr. Falls Church VA, 22041.
The main number is 703-933-7333. Fax number is 703-933-7331.

Corporate ID: 0528883-2

Federal Tax Identification Numbers:

- Falls Church: 54-1965662
- Manassas: 68-0508104
- Upper Georgetown: 01-0824094

Sales Tax Identification Numbers:

- Falls Church: 001896579-8
- Manassas: 002015805-0
- Upper Georgetown:

Our D&B (DUNS) Number is: 00-694-1483

Bank Reference: First Horizon – Contact: Mr. Dennis Prescott, Financial Center Manager
133 S. Washington Street, Falls Church, VA 22046

Phone: 703-536-2644, Fax: 703-534-1101. E - mail: dennis.prescott@fth.com

Bank Account Numbers:

- Falls Church: 172682581
- Manassas: 172942519
- Upper Georgetown: 172943226
- Routing Number: 056009233.

Vendor References:

SYSCO – Food Services (Acct # 566117) - Carlos Cordova 1-800-659-6044 Ext 6891
8000 Dorsey Run Road, P.O. Box 1009
Jessup, MD 20794
410-799-2416
Fax: 410-792-2241

ACME Paper & Supply Co., Inc. (Acct # 337333) - Steve Gordon 301-646-0024
8229 Sandy Court P.O. Box 422
Savage, Maryland 20763
Fax: 410-792-2137

Superior Outlet Center by Next Day Gourmet (Acct # 610472) - Carl Napiwocki GM
5701 General Washington Drive Suite. Q
Alexandria, VA 22312
703-333-5878
Fax: 703-333-5877

DAVID ESCOBAR

EXPERIENCE

My Bakery & Café Inc.

8 / 99 - Present

President & CEO

- * Started & Developed My Bakery & Café, Inc.
- * Responsible for all business decisions

Cochabamba Cooperative School

11 / 98 - 07 / 99

Calvert English Institute

Director

Cochabamba - Bolivia

- * Responsible for the recruiting and contracting of teachers.
- * Responsible for the direction and management of teachers.
- * Responsible for the marketing and recruitment of students.
- * Responsible for purchasing and maintaining costs and executing budget.
- * Development of new classes, and proactive programs.

John F. Kennedy Center for the Performing Arts

Restaurant Associates Washington DC.

12 Million Dollars in Sales

9 / 96 - 7 / 98

Director of Purchasing

- * Responsible for purchasing and maintaining costs.
- * Developed Menus in collaboration with the Executive Chef.
- * Close relation with the U.S. Government with Special Events.
- * Responsible for daily cost of goods analysis and inventories.
- * Responsible for all storage areas including their corresponding inventories.
- * Food inventories \$90,000 Dollars in inventory.
- * Beverage inventories \$30,000 Dollars in inventory.
- * Weekly safety and health sanitation inspections.
- * **Budget and coordination of the following events:**
 - Presidential Diner for President Bill Clinton**
 - Inaugural Ball for President Bill Clinton, Placido Domingo Gala**
 - Open House with 50,000 Invites, Spring Gala, New Year's Eve, Honors Gala**
 - For various Artists and Actors from Hollywood, and much more.**

Operations Manager

9 / 95 - 9 / 96

>> Manager of Beverage Department

- * Manage 20 union employees and corresponding labor cost.
- * Responsible for hiring and training all new employees.
- * Maintain all outlet beverage costs, which include
 - Intermission Bars, Banquet Bars, Roof Terrace Restaurant Bars, Cafeteria, and Kitchen Wines at 21%.
- * Responsible for \$30,000 Dollars liquor room inventory.
- * Developed accurate computerized controls for all outlets.
- * Unit sales for beverage department 2 Million Dollars.

SUP2005-0084

DAVID ESCOBAR

>> Back of the House and Kitchen

- * Manage closing manager.
- * Manage 22 union employees and corresponding labor cost.
- * Developed a sectional system for back of the house/kitchen That controlled sanitation and maintenance.
- * Integrated employees into other departments.
- * Responsible for hiring and training all new employees.

>> Banquets

- * Manage two banquet supervisors.
- * Manage 22 union employees and corresponding labor cost.
- * Organized and maintained three storage areas with Corresponding levels and budget.
- * Standardized all banquet set-ups and breakdowns.
- * Coordinated all banquet back of the house coverage, With capable employees.
- * Unit sales for banquet department 2.5 Million Dollars.
- * Responsible for hiring and training all new employees.

Beverage Director

8 / 94 – 8 / 95

- * Responsible only for the Beverage Department.

Banquet Captain

2 / 94 – 8 / 94

- * Executed a large variety of banquet functions.
- * Directed up to thirty banquet waiters per event.
- * Accountable for all equipment during events.
- * Responsible for close client relations and satisfaction.

EDUCATION

- * Catholic University Cochabamba – Bolivia

1998 - 1999

Business Administration

- * Completed Save Serve and Food Sanitation Program.

1997

- * George Mason University Fairfax, VA.

1996 - 1997

Business Administration

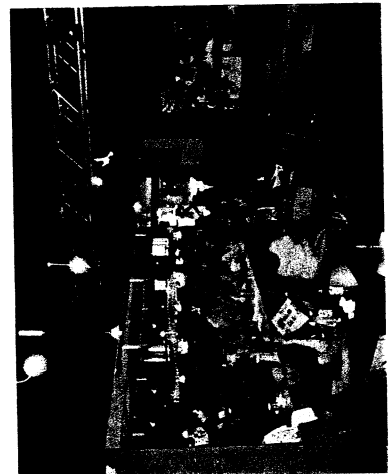
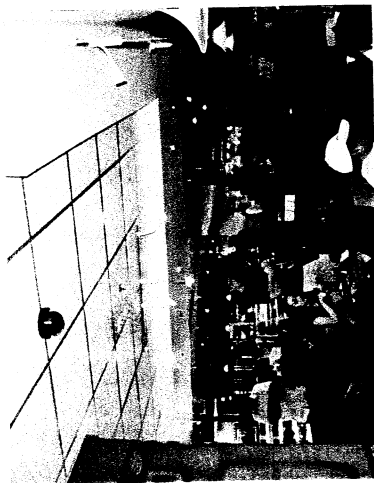
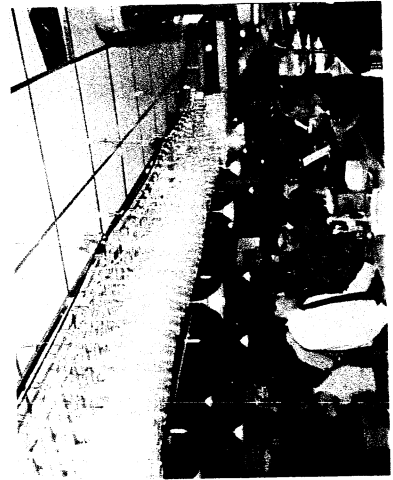
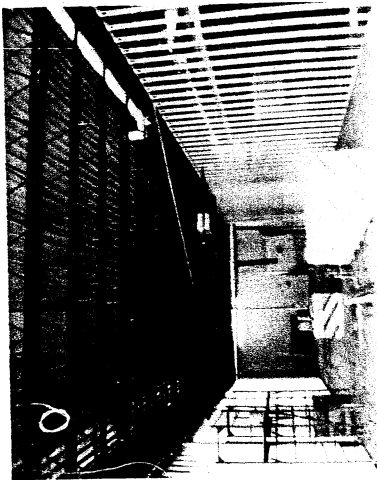
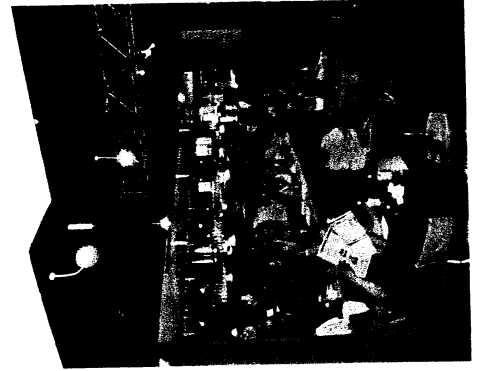
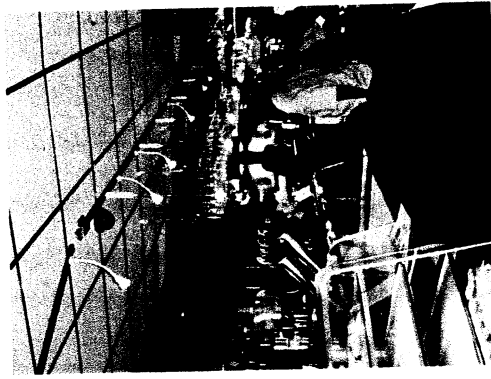
- * St. Stephen's & St. Agnes University Prep Alexandria, VA. 1991 – 1995
Recipient of Soto Bradock Scholarship

SKILLS

- * Bilingual in English and Spanish
- * Computer literate in Macintosh and IBM Compatible:
Windows 98, Windows 95, Microsoft Office XP, 2000, 1997,
Claris Works, Now up to Date, Now Contact, Power Point,
Lotus 123, Aldus Pagemaker, Internet Explorer, Netscape,
Outlook Express, Microsoft Works, UMS, Remacs.

3508 Courtland Dr. * Falls Church, Virginia 22041

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3701 Mt. Vernon Avenue • Alexandria, Virginia 22305
703-549-7500 • Fax: 703-549-9660
www.birchmere.com

PC Docket Item #19
SUP 2005-0084

September 6, 2005

Dear Sir or Madame:

The Birchmere strongly and enthusiastically supports the application of "My Bakery" to open an operation in the Arlandria Shopping Center. Further, the Birchmere strongly encourages the appropriate authorities to approve this application with no restrictions on issues such as hours of operation or uses customary and usual in the restaurant industry, including, but not limited to, live entertainment. We believe these restrictions hold back the economic development of the immediate area and restrict and limit the quality of tenants interested in locating in the area. As this space has been vacant for over a decade, it is essential that this application on behalf of a high-quality restaurant operation be approved.

James J. Matthews, Jr.
For the Birchmere

September 7, 2005

Eric Wagner, Chair
Alexandria Planning Commission
Alexandria City Hall
301 King Street
Alexandria, VA 22313

PC Docket Item # 19
SUP 2005-0084

Dear Mr. Wagner:

Concerning the application of David Escobar from *My Bakery* for a Special Use Permit (2005-0084), while generally supportive of both the application and staff comments we want to raise some specific concerns and offer concrete suggestions to adequately protect the surrounding community's interests. We are writing on behalf of both the Arlandria Chirilagua Housing Cooperative which is comprised of almost 300 resident owned apartments (some of which are located directly across the street from the property in question) and the Tenants' and Workers' Support Committee, an Arlandria-based non-profit organization with over 800 members. These changes are urged because of our experience with alcohol-centered businesses that have opened in our neighborhood. We have seen with Flags and then with Lilians that late hours, large size (over 100 seats), alcohol sales and close proximity to the housing cooperative are recipes for disaster – petty criminal activities, public nuisance and noise and the creation of a family unfriendly environment. In both instances the Commission and staff overrode the recommendation of the immediately surrounding community and we suffered. After the fact, it is indeed very difficult to put the genie back in the bottle!

We propose the following additions to the staff recommendations for *My Bakery*:

- That the closing time be set for 12 midnight and that alcohol sales stop one hour before closing. We would be willing to discuss modifying the hours after 6 months of successful (in terms of noise and public nuisance) activities.
- Hours from Sunday night through Thursday night should be reduced until 11 PM. For our neighborhood of low-wage workers – the weekend is at best 2 nights (Friday and Saturday) and not the proposed 4 nights (Thursday – Sunday).
- That delivery occurs only between 7am (not the proposed 5am) and 11pm – this will help to reduce noise in our residential neighborhood.
- That some level of specificity be added to the staff recommendation of maintaining entertainment “subordinate to the main bakery / restaurant operations”, for example, we assume and want clarification that this clause would



<crhamilton@comcast.net>

09/08/2005 06:11 PM

To <pccomments@alexandriava.gov>,
<Valerie.Peterson@alexandriava.gov>
cc <eileen.fogarty@alexandriava.gov>

bcc

Subject FW: 9/8/05 Docket item #19. SPECIAL USE PERMIT
#2005-0084

Dear Chairman Wagner and Alexandria Planning Commission Members:

As immediate past-president of the Warwick Village Citizens Association and a member of the Arlandria Plan Task Force I've participated in these issues very much over the past 6 years. I agree with everything that Mr. Beekman has to say and heartily endorse this application.

In trying to build a vibrant urban village, I'd recommend against ham-stringing the applicant with some of these conditions because of the problems of other establishments. If they want to stay open till 2am, by all means let them. If they want outdoor seats, let them have as many as they want. If they need to charge admission some nights, let them. We shouldn't be proscribing elements that could hinder the success of the business. IF problems arise, then address them. It seems backwards to try to head off all the potential things that could go wrong and hinder the business from the start.

PLEASE let this applicant operate the way they see fit and lets try to enliven this neighborhood with more good retail. This tenant deserves that opportunity.

Thank you for your time.

Chris Hamilton
2912 Hickory Street

----- Original Message -----

From: Kevin Beekman

To: pccomments@alexandriava.gov

Cc: ARLANDRIA@yahoogroups.com ; lenoxplaceatsunnyside@yahoogroups.com

Sent: Thursday, September 08, 2005 4:11 PM

Subject: 9/8/05 Docket item #19. SPECIAL USE PERMIT #2005-0084

Dear Members of the Planning Commission,

I am writing to heartily encourage your approval of the SUP application for My Bakery & Café.

I live exactly 100 yards from the proposed business, and although my neighbors and I in Sunnyside were not afforded the opportunity to meet with Planning & Zoning staff, David Escobar (owner of My Bakery & Café and neighbor in nearby Lynhaven) made the effort to sit down with me and discuss his plans. David has grown a very impressive business out of his three other locations in Georgetown, Bailey's Crossroads and Manassas and his expansion into our

Special Use Permit # _____

APPLICATION for SPECIAL USE PERMIT # 2005-0084
(must use black ink or type)

PROPERTY LOCATION: 3839 Mount Vernon Avenue, Mount Vernon Village

TAX MAP REFERENCE: 07.03 09 01, ~~02, 09, 10 and 11~~ **ZONE:** NR/Neighborhood Retail
Zone (Arlandria)

APPLICANT Name: My Bakery & Café, Inc.
Address: 3508 Courtland Drive, Falls Church, Virginia 22041

PROPERTY OWNER Name: Arlandria Center, LLC
Address: 4733 Bethesda Avenue, #650, c/o Finmarc Management, Inc.
Bethesda, Maryland 20814

PROPOSED USE: Special Use Permit to operate a restaurant with indoor and outdoor seating
and live entertainment pursuant to §4-1403 of the Alexandria Zoning
Ordinance, 1992, as amended.

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Duncan W. Blair, Esquire
Print Name of Applicant or Agent



Signature

524 King Street, Alexandria, Virginia 22314
Mailing/Street Address

(703) 836-1000
Telephone #

(703) 549-3335
Fax #

Alexandria, Virginia 22314
City and State Zip Code

dblair@landclark.com

June 30, 2005

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: Recommended approval 7-0 9/8/05

ACTION - CITY COUNCIL: 9/20/05 - CC approved PC recommendation with amendments 7-0
+ 13 (see attachments)

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation.
Council Action: _____

20. SPECIAL USE PERMIT #2005-0084

3839 MT VERNON AVENUE

MY BAKERY RESTAURANT AND CAFE

Public Hearing and Consideration of a request for a special use permit to operate a restaurant/bakery; zoned NR/Neighborhood Retail. Applicant: My Bakery & Cafe, Inc. by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

City Council approved the Planning Commission recommendation with the following amendments: (1) addition of condition #19 stating, "loading and unloading activities shall occur after 7:00 a.m. and before 6:00 p.m.;" (2) change the operation hours to Sunday-Thursday until midnight and Friday and Saturday until 1:00 a.m.; (3) an automatic extension to 2:00 a.m. Friday and Saturday operation hours following a positive 6 months review and; (4) and a cover charge will be allowed periodically for certain events.

Council Action: _____

21. MASTER PLAN AMENDMENT #2005-0003 (A)

REZONING #2005-0004 (B)

TEXT AMENDMENT 2005-0004 (C)

HUNTING CREEK AREA PLAN

Public Hearing and Consideration of a request for:

(1) a revision to the Old Town Small Area Plan Addendum of the City's Master Plan to incorporate the Hunting Creek Area Plan; (2) amendments to the City of Alexandria zoning map to rezone certain properties affected by the construction of the Woodrow Wilson Bridge and identified on the City of Alexandria Tax Map, as follows 83.01-01-06 and 08 (1199 S. Washington St. and 1205 S. Alfred Street) from RC to UT; 83.02-01-02 (1100 S. Washington St.) from OCM (50) to UT; 83.02-01-03 (1150 S. Washington St.) from OCM (50) to RC and UT; and 83.02-01-05 and 06 (1202 and 1200 S. Washington St.) from RC to UT; and (3) amendments to Section 3-906 related to bulk and open space regulations and the addition of Section 3-908 of the Alexandria Zoning Ordinance to add design guidelines and standards for development for properties adjacent to South Washington Street (George Washington Memorial Parkway) south of the Capital Beltway. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA#2005-0003 Recommend Approval with amended conditions 7-0

REZ#2005-0004 Recommend Approval 7-0

TA#2005-0004 Recommend Approval 7-0

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9-20-05

Docket Item #20
Special Use Permit #2005-0084
My Bakery

Added condition regarding loading and deliveries to the site:

Condition #19: Loading and unloading activities shall occur after 7:00 a.m. and before 6:00 p.m.

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9-20-05



"Kevin Beekman"
<kbeekman@earthlink.net>
09/08/2005 04:11 PM

To <pccomments@alexandriava.gov>
cc <ARLANDRIA@yahoogroups.com>,
<lenoxplaceatsunnyside@yahoogroups.com>
bcc
Subject 9/8/05 Docket item #19. SPECIAL USE PERMIT #2005-0084

Dear Members of the Planning Commission,

I am writing to heartily encourage your approval of the SUP application for *My Bakery & Café*.

I live exactly 100 yards from the proposed business, and although my neighbors and I in Sunnyside were not afforded the opportunity to meet with Planning & Zoning staff, David Escobar (owner of My Bakery & Café and neighbor in nearby Lynhaven) made the effort to sit down with me and discuss his plans. David has grown a very impressive business out of his three other locations in Georgetown, Bailey's Crossroads and Manassas and his expansion into our neighborhood is already much anticipated.

Although P&Z staff has recommended this application, I feel I have to impress on you several key aspects of the Mr. Escobar's plans that the report failed to express. Mr. Escobar's Arlandria location will also be his office for his four locations and he will personally have a good deal of oversight of the operations in the neighborhood. This oversight is further enhanced by the online video monitoring system that he already employs in the three current locations and plans to implement here as well. Also planned is the offering of free wireless internet access for customers, an amenity sorely needed in Arlandria.

My Bakery & Café offers the first possibility of creating the missing 'third place' in Arlandria; the piece of the puzzle that brings community together (<http://www.pps.org/info/placemakingtools/placemakers/roldenburger/perspectives>). Mr. Escobar has already invested in this community as a home owner. I hope we can support this further investment in this community.

Please support this SUP application.

Kevin Beekman
3905 Elbert Avenue
Alexandria, VA 22305
kbeekman@yahoo.com

19. SPECIAL USE PERMIT #2005-0084

3839 MT VERNON AVENUE
MY BAKERY RESTAURANT AND CAFE

Consideration of a request for a special use permit to operate a restaurant/bakery;
zoned NR/Neighborhood Retail. Applicant: My Bakery & Cafe, Inc.
by Duncan Blair, attorney

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9-20-05

September 20, 2005

TO: Honorable Mayor and Members of City Council
FROM: Jackie M. Henderson, City Clerk
SUBJECT: Docket Item #20

Page 37.1 was left out of the Planning report that went to you last week for docket item #20, My Bakery and Café.

Attached is that page.

September 7, 2005

Eric Wagner, Chair
Alexandria Planning Commission
Alexandria City Hall
301 King Street
Alexandria, VA 22313

PC Docket Item # 19
SUP 2005-0084

Dear Mr. Wagner:

Concerning the application of David Escobar from *My Bakery* for a Special Use Permit (2005-0084), while generally supportive of both the application and staff comments we want to raise some specific concerns and offer concrete suggestions to adequately protect the surrounding community's interests. We are writing on behalf of both the Arlandria Chirilagua Housing Cooperative which is comprised of almost 300 resident owned apartments (some of which are located directly across the street from the property in question) and the Tenants' and Workers' Support Committee, an Arlandria-based non-profit organization with over 800 members. These changes are urged because of our experience with alcohol-centered businesses that have opened in our neighborhood. We have seen with Flags and then with Lilians that late hours, large size (over 100 seats), alcohol sales and close proximity to the housing cooperative are recipes for disaster – petty criminal activities, public nuisance and noise and the creation of a family unfriendly environment. In both instances the Commission and staff overrode the recommendation of the immediately surrounding community and we suffered. After the fact, it is indeed very difficult to put the genie back in the bottle!

We propose the following additions to the staff recommendations for *My Bakery*:

- That the closing time be set for 12 midnight and that alcohol sales stop one hour before closing. We would be willing to discuss modifying the hours after 6 months of successful (in terms of noise and public nuisance) activities.
- Hours from Sunday night through Thursday night should be reduced until 11 PM. For our neighborhood of low-wage workers – the weekend is at best 2 nights (Friday and Saturday) and not the proposed 4 nights (Thursday – Sunday).
- That delivery occurs only between 7am (not the proposed 5am) and 11pm – this will help to reduce noise in our residential neighborhood.
- That some level of specificity be added to the staff recommendation of maintaining entertainment “subordinate to the main bakery / restaurant operations”, for example, we assume and want clarification that this clause would

not permit charging a cover charge or admission for live music (noted elsewhere in the staff recommendation) dancing, karaoke, comedy or theater nights, etc...Live entertainment and / or 'non-subordinate' uses become problematic when linked with late hours and alcohol sales.

- A cap on alcohol sales based on *My Bakery's* claim that only 20% of their sales will be based on alcohol. Since this percentage was an integral part of their application we would like public disclosure of their percent of alcohol sales and the condition that it will not exceed 20% of sales volume memorialized as part of the conditions of the Special Use Permit.

We met with the applicant and his attorney and expressed our concerns. We requested that he start with a more limited request, build our trust and then request (with our support) expanded hours and / or alcohol sales. They refused to modify their request. If our recommend conditions are added in as part of the Special Use Permit we are confident that our community will be spared the negative consequences from a large scale business that sells alcohol and has extended hours. Simultaneously, there will be an opportunity for a Mr. Escobar to create a successful food and family oriented business. Over time, if his business operates as he represents, we will be happy to work with him to expand his hours or alcohol sales in away that will not negatively impact our community.

Thank you for your consideration.

Sincerely,

Juan Ramirez
President
Arlandria Chirilagua Housing Cooperative

Jon Liss
Executive Director
TWSC

Cc: Valerie Peterson, Planning Staff

The Birchmere
3701 Mt. Vernon Avenue
Alexandria, VA

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9-20-05

The Members of the City Council
Alexandria, Virginia

Dear Members of the City Council:

The Birchmere strongly supports the SUP application of David Escobar and the "My Bakery and Café, Inc." We hope the SUP will be granted to this fine business with no restrictions or conditions. The Birchmere believes the restrictions and conditions that often appear in the recommendations to the City Council often so hinder the operation of the business as to make it financially unfeasible. As this location has been vacant now for over 10 years and once was even considered as a potential new location for the Birchmere, we believe it is imperative for the neighborhood that a viable business is approved and opened there as soon as possible. We have visited Mr. Escobar's other locations and find them to be assets to their neighborhoods and professionally operated. "My Bakery and Café" will be a wonderful addition to our community and we strongly encourage you to approve the application as submitted.



James J. Matthews, Jr.
For the Birchmere

SPEAKER'S FORM

DOCKET ITEM NO. 20

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Duncan W. Blair, Esquire
2. **ADDRESS:** 524 King Street, Alexandria, Virginia 22314
TELEPHONE NO. 703 836-1000 **E-MAIL:** dblair@landclark.com
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
My Bakery & Cafe, Inc.
4. **WHAT IS YOUR POSITION ON THE ITEM?**
For
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker